

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH L. FREEMAN, JR.,	:	CIVIL ACTION
	:	NO. 19-cv-05699
Plaintiff,	:	
	:	
v.	:	
	:	
EARLY WARNING SERVICES, LLC,	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW** this **9th** day of **March, 2020**, upon consideration of Defendant's motion to dismiss (ECF No. 7), and the response and reply thereto (ECF No. 16 & 17-1), and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendant's motion for leave to file a reply (ECF No. 17) is **GRANTED**;

2. Defendant's motion to dismiss (ECF No. 7) is **GRANTED** and the complaint is **DISMISSED** without prejudice for lack of subject matter jurisdiction<sup>1</sup> and for failure to state a claim upon which relief can be granted; and

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<sup>1</sup> Cottrell v. Alcon Labs., 874 F.3d 154, 164 n.7 (3d Cir. 2017) ("Because the absence of standing leaves the court without subject matter jurisdiction to reach a decision on the merits, dismissals 'with prejudice' for lack of standing are generally improper").

3. The case shall be marked as **CLOSED**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno

**EDUARDO C. ROBRENO, J.**